

IN THE NATIONAL COMPANY LAW TRIBUNAL : NEW DELHI

COURT-III

(IB)-583/ND/2017

In the matter of :

JJ Plastalloy (P) Limited

....PETITIONER

Vs.

Samleshwari Packaging (P) Limited

. RESPONDENT

SECTION :

Under Section 9 of IBC Code, 2016

Order delivered on 11.12.2017

Coram :

R. VARADHARAJAN,

Hon'ble Member (Judicial)

For the Petitioner /applicant : Mr. Kaustav Saha, Advocate

For the Respondent/Corporate Debtor : -

For the Intervener :

ORDER

Learned Counsel for the petitioner is present. On perusal of the typed set of documents as filed along with the application, it discloses that notice under Section 8, being the notice of default, has been issued by Mr. Pandey, Advocate. However, it is seen from the records that no authorization has been filed in relation to the said purpose and hence, the Learned Counsel for the Petitioner seeks some time to place on record the authorization in relation to the said person, who had issued the Section 8 notice dated 19.8.2017. At Page 46 of the typed set of documents, it is seen that the petitioner has dispatched an advance copy of the application along with the documents annexed therewith. However, proof of service by filing necessary Tracking report is not found.

*Court -*

*A*

In the circumstances, the petitioner is directed to comply with the above by filing an affidavit of service within a period of two days from today (11.12.2017). In addition, the authorization by the Board for issue of Section 8 on behalf of the Creditor shall be filed. Further, the petitioner is also directed to take one more notice on the Corporate Debtor at its registered office in relation to the next date of hearing which is fixed on 20.12.2017.

List on 20.12.2017.

Sd/-  
(R. VARADHARAJAN)  
MEMBER (JUDICIAL)

Surjit  
11.12.2017